

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 3-26-07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. SCOTT MENDENHALL, CHAIR	✓	
REP. MIKE MILBURN, VICE CHAIR	✓	
REP. JIM KEANE, VICE CHAIR	✓	
REP. ELSIE ARNTZEN	✓	
REP. SHANNON AUGARE	✓	
REP. SCOTT BOGGIO	✓	
REP. ERNIE DUTTON	✓	
REP. KEVIN FUREY	✓	
REP. RALPH HEINERT	✓	
REP. LLEW JONES	✓	
REP. HARRY KLOCK	✓	
REP. MICHELE REINHART	✓	
REP. WAYNE STAHL	✓	
REP. BILL THOMAS	✓	
REP. KENDALL VAN DYK	✓	
REP. JONATHAN WINDY BOY		✓



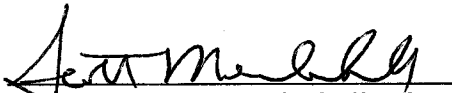
HOUSE STANDING COMMITTEE REPORT

March 26, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 339** (third reading copy -- blue) **be concurred in as amended.**

Signed: 
Representative Scott Mendenhall, Chair

To be carried by Representative Scott Mendenhall

And, that such amendments read:

1. Title, line 7 through line 10.

Strike: "PROHIBITING" on line 7 through "MCA;" on line 10

2. Page 1, line 14.

Following: "~~(1)~~"

Insert: "(1)"

3. Page 1, line 15.

Strike: "76-2-310"

Insert: "subsection (2)"

4. Page 1, following line 17.

Insert: "(2) Annexation by a municipality of territory in a county that is different from the county in which the municipality is located may occur only if the municipality and the county execute an interlocal agreement that provides for a joint city-county planning board and jurisdictional equality."

5. Page 1, line 21 through page 2, line 30.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent sections

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

641315SC.hjd

for
3/26/07



HOUSE STANDING COMMITTEE REPORT

March 26, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 466** (third reading copy -- blue) be concurred in.

Signed: 
Representative Scott Mendenhall, Chair

To be carried by Representative Scott Mendenhall

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

641240SC.hjd

ihm
3/26/07



HOUSE STANDING COMMITTEE REPORT

March 26, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 467** (third reading copy -- blue) be concurred in.

Signed: *Scott Mendenhall*
Representative Scott Mendenhall, Chair

To be carried by Representative Wayne Stahl

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

641241SC.hjd

jbn
366107



HOUSE STANDING COMMITTEE REPORT

March 27, 2007

Page 1 of 7

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 540** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Scott Mendenhall
Representative Scott Mendenhall, Chair

To be carried by Representative Bill Beck

And, that such amendments read:

1. Title, line 9.

Following: "SECTIONS"

Insert: "23-5-112,"

Following: "23-5-152"

Insert: ", "

2. Page 1, line 14.

Following: line 13

Insert: "**Section 1.** Section 23-5-112, MCA, is amended to read:

"**23-5-112. Definitions.** Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(4) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns of 5 squares each, 25 squares in all. The letters B-I-N-G-O must appear above

Committee Vote:

Yes 12, No 4

Fiscal Note Required _____

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the design, with each letter above one of the columns. More than 75 numbers may not be used. One number must appear in each square, except for the center square, which may be considered a free play. Numbers are randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(5) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

(6) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling operator; or

(b) operated by a senior citizen center.

(7) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.

(8) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

(9) "Department" means the department of justice.

(10) "Distributor" means a person who:

(a) purchases or obtains from a licensed manufacturer, distributor, or route operator equipment of any kind for use in gambling activities; and

(b) sells the equipment to a licensed distributor, route operator, or operator.

(11) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.

(b) The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1.

(12) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.

(13) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.

(14) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.

(b) The term does not mean:

(i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and

rodeos;

(ii) a promotional game of chance; or

(iii) an amusement game regulated under Title 23, chapter 6.

(15) "Gross proceeds" means gross revenue received less prizes paid out.

(16) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:

(a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, or under part 5 of this chapter or in a promotional game of chance approved by the department; and

(b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, or craps table, or a slot machine, except as provided in 23-5-153.

(17) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:

(a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

(b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;

(c) sports betting, by whatever name known, in which a person places a wager on the outcome of an athletic event, including bookmaking, parlay bets, or sultan sports cards, but not including those activities authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;

(d) credit gambling; and

(e) internet gambling.

(18) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include the operation of a simulcast facility allowed by Title 23, chapter 4, or the state lottery provided for in Title 23, chapter 7. If all aspects of the gaming

are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

(19) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

(20) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

(21) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

(22) "Licensee" means a person who has received a license from the department.

(23) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

(24) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

(25) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator; or

(b) possesses gambling devices or components of gambling devices for the purpose of testing them.

(26) "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established for purposes other than to conduct a gambling activity.

(27) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

(28) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

(29) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

(30) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

(31) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

(32) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

(33) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

(34) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises.

(35) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

(36) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine

that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

(37) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Renumber: subsequent sections

3. Page 2, lines 24 and 25.

Following: "operation" on line 24

Strike: remainder of line 24 through "DEVICES" on line 25

Insert: "licensed retail business establishment for purposes of resale and not for operation"

4. Page 2, line 28.

Following: "antique"

Strike: "slot machines and other antique"

5. Page 2, lines 29 and 30.

Following: "antique" on line 29

Strike: remainder of line 29 through "An antique" on line 29

6. Page 3, line 2.

Following: "in"

Insert: "23-5-152(6) and"

Following: "(3)"

Insert: "of this section"

Strike: "slot machine or antique"

7. Page 3, line 4.

Strike: "slot machine or antique"

8. Page 3, line 6.

Following: "a"

Insert: "retail business establishment or"

9. Page 3, line 7.

Strike: "machine or"

10. Page 3, line 10.

Strike: "slot machines and antique" on line 10

11. Page 3, line 11.

Strike: "machines"

Insert: "devices"

12. Page 3, lines 12 and 13.

Following: "antique" on line 12

Strike: remainder of line 12 through "antique" on line 13

13. Page 3, line 14.

Strike: "an annual"

Insert: "a"

Strike: "machines or other"

14. Page 3, line 15.

Strike: "a year"

Insert: ", and the license is valid for 3 years from the date
that the license is issued"

15. Page 3, line 17.

Strike: "slot machine or"

16. Page 3, line 18.

Strike: "machine or"

17. Page 3, line 19.

Strike: "a"

Strike: "machine or"

Insert: "an illegal gambling"

18. Page 3, line 20.

Strike: "slot machine or antique"

- END -



HOUSE STANDING COMMITTEE REPORT

March 26, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 537** (third reading copy -- blue) be concurred in.

Signed: 
Representative Scott Mendenhall, Chair

To be carried by Representative Wayne Stahl


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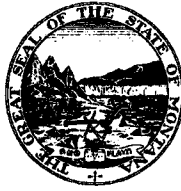
Committee Vote:

Yes 15, No 1

Fiscal Note Required ____

641243SC.hjd


3/26/07



HOUSE STANDING COMMITTEE REPORT

March 26, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 206** (third reading copy -- blue) be concurred in as amended.

Signed:

Scott Mendenhall
Representative Scott Mendenhall, Chair

To be carried by Representative Bill Thomas

And, that such amendments read:

1. Title, line 11.

Following: "AUTHORITY;"

Insert: "PROVIDING AN APPROPRIATION FOR THE PILOT PROGRAM;"

2. Page 3, following line 10.

Insert: "NEW SECTION. **Section 2. Appropriation.** The following money is appropriated to implement the provisions of [this act] with respect to creation of a pilot program. The appropriations may be used only to implement the provisions of [this act] pertaining to the pilot program.

Fiscal Year 2008

Fiscal Year 2009

General Fund

\$1,290,186

\$2,945,125

Federal Special Revenue 2,819,998

6,407,447"

Renumber: subsequent sections

- END -

Committee Vote:

Yes 14, No 2

Fiscal Note Required ____

641316SC.hjd

jbw
3/26/07



HOUSE STANDING COMMITTEE REPORT

March 27, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 312** (third reading copy -- blue) be concurred in.

Signed: _____

Scott Mendenhall
Representative Scott Mendenhall, Chair

To be carried by Representative Llew Jones

- END -

Committee Vote:

Yes 14, No 2

Fiscal Note Required ____

650803SC.hjd

john
3/27/07

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # SB 540 MOTION # 3

Amendment 540 01.abc

NAME	AYE	NO	Proxy
REP. MIKE MILBURN, VICE-CHAIR		✓	
REP. JIM KEANE, VICE-CHAIR	✓		
REP. BILL THOMAS	✓		
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON		✓	
REP. JONATHAN WINDY BOY	✓		✓
REP. HARRY KLOCK		✓	
REP. WAYNE STAHL		✓	
REP. MICHELE REINHART	✓		
REP. LLEW JONES		✓	
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE		✓	
REP. SCOTT BOGGIO		✓	
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR		✓	

7-9

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # 56 540 MOTION # 4

Do Concur as Twice Amend

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR		✓	
REP. BILL THOMAS		✓	
REP. RALPH HEINERT	✓		
REP. ERNIE DUTTON	✓		
REP. JONATHAN WINDY BOY		✓	✓
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY		✓	
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

12-4

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # SB 206 MOTION # 2

First Amend. 020602-abc

NAME	AYE	NO	Proxy
REP. MIKE MILBURN, VICE-CHAIR		✓	
REP. JIM KEANE, VICE-CHAIR		✓	
REP. BILL THOMAS		✓	
REP. RALPH HEINERT	✓		
REP. ERNIE DUTTON		✓	
REP. JONATHAN WINDY BOY		✓	✓
REP. HARRY KLOCK		✓	
REP. WAYNE STAHL		✓	
REP. MICHELE REINHART		✓	
REP. LLEW JONES		✓	
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE		✓	✓
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY		✓	
REP. KENDALL VAN DYK		✓	
REP. SCOTT MENDENHALL, CHAIR	✓		

4-12

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # SB 206 MOTION # 3

206 03

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR		✓	
REP. JIM KEANE, VICE-CHAIR	✓		
REP. BILL THOMAS	✓		
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON		✓	✓
REP. JONATHAN WINDY BOY	✓		✓
REP. HARRY KLOCK		✓	
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		✓
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR		✓	

11-5

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # SB 206 MOTION # 4

Do Concur as Amended

NAME	AYE	NO	Proxy
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR	✓		
REP. BILL THOMAS	✓		
REP. RALPH HEINERT		✓	
REP. ERNIE DUTTON	✓		✓
REP. JONATHAN WINDY BOY	✓		✓
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		✓
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR		✓	

14-2

HOUSE OF REPRESENTATIVES

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 3-26-07 BILL # SB 312 MOTION # 1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>Proxy</u>
REP. MIKE MILBURN, VICE-CHAIR	✓		
REP. JIM KEANE, VICE-CHAIR		✓	
REP. BILL THOMAS	✓		
REP. RALPH HEINERT	✓		
REP. ERNIE DUTTON	✓		✓
REP. JONATHAN WINDY BOY		✓	✓
REP. HARRY KLOCK	✓		
REP. WAYNE STAHL	✓		
REP. MICHELE REINHART	✓		
REP. LLEW JONES	✓		
REP. ELSIE ARNTZEN	✓		
REP. SHANNON AUGARE	✓		✓
REP. SCOTT BOGGIO	✓		
REP. KEVIN FUREY	✓		
REP. KENDALL VAN DYK	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

14-2

COMMITTEE

Bill Nos. SB 466, 467 Sponsor(s) Sen. Cocchiarella
535

PLEASE PRINT

PLEASE PRINT

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.